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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.            | CONFIRMATION NO.       |
|---|-------------|----------------------|--------------------------------|------------------------|
| 10/522,444  | 08/19/2005  | Kensuke Ohnuma       | SONYJP-3.3-315                 | 8658                   |
| 530 7590 02/06/2008<br>LERNER, DAVID, LITTENBERG,<br>KRUMHOLZ & MENTLIK<br>600 SOUTH AVENUE WEST<br>WESTFIELD, NJ 07090 |             |                      | EXAMINER<br>EKPO, NNENNA NGOZI |                        |
|   |             |                      | ART UNIT<br>2623               | PAPER NUMBER           |
|   |             |                      | MAIL DATE<br>02/06/2008        | DELIVERY MODE<br>PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/522,444

**Applicant(s)**

OHNUMA-ET AL.

**Examiner**

Nnenna N. Ekpo

**Art Unit**

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 January 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 1/19/05 & 8/19/05.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Priority*

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### *Information Disclosure Statement*

2. The references listed in the Information Disclosure Statement filed on January 19, 2005 and August 19, 2005 has been considered by the examiner (see attached PTO-1449 form).

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. **Claims 1-3, 5-15** are rejected under 35 U.S.C. 102(b) as being anticipated by Lawler et al. (U.S. Patent No. 5,805,763).

Regarding **claims 1, 5, 6, 7 and 14**, Lawler et al. discloses an information processing apparatus, comprising:

presenting means (see fig 6) for presenting a plurality of program attribute names (love & war, Chicago hope, news etc.) comprising program attribute information concerning attributes of a program (see fig 6);

accepting means (see fig 6, record (130)) for accepting a selection of the program attribute information by a user based on the presented program attribute names (see col. 11, lines 23-31);

storing means for storing the accepted selection of program attribute information (see col. 2, lines 6-13);

first acquiring means (see fig 3 (102)) for acquiring broadcast program information concerning a program to be broadcast (see col. 8, lines 12-17);

second acquiring means for acquiring retrieval conditions for retrieving a program comprising the stored program attribute information (see col. 2, lines 23-28);

comparing means for comparing the acquired broadcast program information (particular program) and the acquired retrieval conditions (appropriate time) (see col. 13, lines 13-25, the system compares the particular program to be recorded with the time broadcasted, at the appropriate time, the program is recorded); and

reserving means for reserving (pre-selected) recording of a program that corresponds to the acquired broadcast program information when the acquired broadcast program information satisfies the acquired retrieval (appropriate time) (see abstract, lines 1-9).

Claim 6 is directed toward embodying the method of claims 1, 5 and 14 in "computer readable medium". It would have been obvious to embody the procedures of Lawler et al. discussed with respect to claims 1, 5 and 14 in a "computer readable medium" in order that the instructions could be automatically performed by a processor.

Claim 7 recites the additional limitation of a processor operable to execute instructions; and instructions for causing the processor to execute an information processing method (see col. 6, lines 7-13).

Regarding **claims 2 and 9**, Lawler et al. discloses everything claimed as applied above (*see claims 1 and 8*). An information processing apparatus wherein the program attribute names include at least one of foreign film, soap opera, rebroadcast drama, baseball, soccer, midnight vaudeville, melodramatic Japanese popular song, classical music, news (see fig 6, news), cooking, hot spring, or go/shogi (fig 6 teaches the program attribute name includes at least one of news).

Regarding **claims 3 and 10**, Lawler et al. discloses everything claimed as applied above (*see claims 1 and 8*). An information processing apparatus wherein the retrieval conditions includes at least one of a genre of a program (see fig 9 (This show, 144)), a day of week on which the program is broadcast (see fig 9 (Every Week, Every day, 146)), a time frame in which the program is broadcast, a length of the program, a keyword included in a title of the program or in detailed information introducing contents of the program, or an escape keyword that is excluded from the title of the program or from the detailed information introducing contents of the program (see col. 12, lines 29-43 and fig 9, teaches the retrieval conditions includes at least genre of a program and day of week).

Regarding **claims 8, 11, 12, 13, 15**, Lawler et al. discloses an information processing apparatus, comprising:

accepting means (see fig 1 (viewers station, 16)) for accepting an access request from another information processing apparatus (see fig 1 (head end, 12)) via a network (see fig 1 (network, 14)) (see col. 3, lines 28-44 and fig 1);

receiving means for receiving (see fig 1 (viewers station, 16)), from the another information processing apparatus (see fig 1 (head end, 12)), a transfer request for transfer of program attribute information concerning attributes of a program to be reserved for recording (see col. 6, lines 57-col. 7, line 5 and fig 1), the program attribute information being used when a user of the another information processing apparatus (fig 1, head end (CMS, 32)) selects the program to be reserved for recording (see col. 4, lines 23-34); and

transmitting means for transmitting the program attribute information to the another information processing apparatus via the network the program attribute information including program attribute names and retrieval conditions for retrieving a program (see col. 12, lines 58-col. 13, line 52).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claim 4** is rejected under 35 U.S.C. 103(a) as being unpatentable over Lawler et al. (U.S. Patent No. 5,805,763) as applied to *claim 1* above, and further in view of Otana (U.S. Patent No. 6,636,688).

Regarding **claim 4**, Lawler et al. discloses everything claimed as applied above (see *claim 1*). An information processing apparatus further comprising: receiving means (multiple viewer stations 16, which includes a recording device, 23) for receiving the program attribute information including the program attribute names and the retrieval conditions from another information processing apparatus (central head end, 12) via a network (network, 14) (see col. 3, lines 28-col. 4, lines 35, and fig 1, it is inherent that when the system recording tag is being transmitted to the user, the retrieval information is included).

However, Lawler et al. fails to specifically disclose wherein the presenting means presents the program attribute names included in the program attribute information received by the receiving means.

Otana discloses the presenting means (see fig 1 (TV receiver, 3)) presents the program attribute names (see fig 9, soccer, news etc.) included in the program attribute information received by the receiving means (recording list, (fig 1 (VCR, 1)) and col. 11, lines 25-31).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Lawler et al.'s invention with the above

mentioned limitation as taught by Otana for the advantage of displaying recorded/recording list from the recording medium.

#### ***Citation of Pertinent Prior Art***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Suzuka** (U.S. Publication No. 2002/0124256) discloses video recording and playback device which applied a program list display device for displaying a program list on a screen.

#### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nnenna N. Ekpo whose telephone number is 571-270-1663. The examiner can normally be reached on Monday - Friday 7:30 AM-5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Pendleton can be reached on 571-272-7527. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

NNE/nne  
February 04, 2008

  
BRIAN PENDLETON  
SUPERVISORY PATENT EXAMINER